

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

DANIEL POOLE,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 07 C 6355
	)	
VILLAGE OF BURBANK, a Municipal	)	Judge Bucklo
Corporation, VILLAGE OF BURBANK POLICE	)	
DEPARTMENT OFFICERS KARA KUSH,	)	Magistrate Judge Schenkier
Star No. 119, and GREGORY PEROVICH,	)	
Star No. 134, sued in their individual and official	)	
Capacities as officers of the Village of Burbank	)	
Police Department,	)	
	)	
Defendants.	)	

**DEFENDANTS' MOTION FOR AN EXTENSION OF TIME  
TO COMPLETE DISCOVERY AND OTHERWISE AMEND THE  
JANUARY 29, 2008 SCHEDULING ORDER**

NOW COME the Defendants, CITY OF BURBANK ("Burbank"), KARA KUSH ("Kush") and GREGORY PEROVICH ("Perovich"), by and through their attorneys, Louis F. Cainkar, Ltd., and for their motion for an extension of time to complete fact discovery and otherwise amend the January 29, 2009 scheduling order state as follows:

1. Daniel Poole ("Poole"), plaintiff, filed his complaint against the City of Burbank and its officers alleging violations of his civil rights pursuant to 42 U.S.C. §1983 on November 8, 2007. (Complaint). Defendants answered Poole's complaint on November 26, 2008. (Answer).

2. Soon after the filing of the Complaint, Poole was involved in a car accident which has rendered him incapacitated.

3. Despite the plaintiff's incapacitation, the parties exchanged written discovery and the Defendants have answered the same.

4. Defendants have issued and received responses to written discovery from non-parties.

5. Due to Poole's incapacitation, he has been unable to answer written interrogatories or execute any relevant authorizations to obtain medical documentation. As such, Defendants' written discovery remains outstanding.<sup>1</sup> No oral discovery has been completed.

6. This court entered a scheduling order wherein all fact discovery is to be closed by June 30, 2008. Similarly, all dispositive motions are to be on file by July 31, 2008.

7. Upon information and belief, Plaintiff's counsel has petitioned the Circuit Court of Cook County to appoint a guardian for Poole. Plaintiff's counsel intends to prosecute this matter through the guardian appointed for Poole. Counsel for the Defendants believes that the hearing is scheduled for April 4, 2008.

8. Due to Poole's incapacitation, discovery has been delayed four months.

WHEREFORE, Defendants respectfully request that this court enter an order extending each of the dates set forth in its January 29, 2008 scheduling order by 45 days.

S/ Joseph Cainkar

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<sup>1</sup> Plaintiff's attorney has released some documentation in his possession pursuant to the Defendants' requests.

**CERTIFICATE OF SERVICE**

I, the undersigned, an attorney, on oath state: I served a copy of the Motion by e-mailing a copy to the CMT System for the Northern District of Illinois on April 1, 2008.

S/ Joseph Cainkar